IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 17812 of 2006
Date of decision 13.11.2006

Ram Raj .. petitioner

Versus

State of Haryana and others .. Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr.Arvind Kashyap, Advocate for the petitioner

M.M.Kumar, J.

The order dated 28.9.2006 ( Annexure P.10) passed on the directions issued by this Court to dispose of the legal notice served by the petitioner while disposing of CWP No. 11976 of 2006 on 3.8.2006 is the subject matter of challenge in the instant petition. The claim of the petitioner is that he has been appointed and working on the post of a Driver and there was some mistake when the Directorate, Milk, Haryana was merged with the Department of Animal Husbandary on 14.5.2003 as instead of Driver he has been shown as Peon in the list of employees. The order dated 28.9.2006 ( Annexure P.1) clearly stipulates that as per the list of staff received from the Director, Milk, the petitioner was shown as Peon and therefore he was not to be accepted as a Driver. It has further been observed that he was working in his own pay scale without any additional allowance. In the opening part of the order, the Director General, Animal Husbandary and Dairy, Haryana has noticed that the petitioner was originally appointed on the post of Peon on 31.12.1998 through the Department Committee and he continued as such on 7.1.1999 although lateron he was allotted the work as Driver without any additional allowance or salary against a vacant post of

Driver. His substantive rank continues to be that of a Peon. We find no merit in the writ petition as substantive rank of the petitioner is that of a Peon and till today he is holding the substantive post of Peon although he was allowed to discharge the duties of a Driver.

There is no violation of any legal right which would warrant interference of this Court. Dismissed.

**(M.M.Kumar)**
**Judge**

**(M.M.S.Bedi )**
**Judge**

**13.11.2006**
**okg**